

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

MICHAEL C. KUCZI,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. C16-1139-TSZ-JPD

REPORT AND RECOMMENDATION

This matter comes before the Court upon plaintiff's application to proceed *in forma pauperis* ("IFP") in the above-entitled action. Dkt. 1. Although plaintiff is not currently employed, his financial affidavit indicates that he only recently ceased employment in June 2016, he has received \$20,000 this year from gifts or inheritances, and also inherited a total of \$150,000 from his parents. Dkt. 1 at 1-2. Plaintiff has nearly \$800 in "cash on hand" and also has \$400 in his checking account. *Id.* at 2. The Court finds that plaintiff has sufficient funds to afford the filing fee.

After careful consideration of plaintiff's IFP application, the governing law, and the balance of the record, the Court recommends DENYING plaintiff's application to proceed IFP (Dkt. 1) and directing him to pay the \$400 filing fee within thirty (30) days of the date of the

1 Order adopting this Report and Recommendation. Plaintiff is advised that failure to pay this
2 filing fee will result in dismissal of this action. . A proposed order accompanies this Report
3 and Recommendation.

4 Objections to this Report and Recommendation, if any, should be filed with the Clerk
5 and served upon all parties to this suit by no later than **August 16, 2016**. Failure to file
6 objections within the specified time may affect your right to appeal. Objections should be
7 noted for consideration on the District Judge's motion calendar for the third Friday after they
8 are filed. Responses to objections may be filed within **fourteen (14)** days after service of
9 objections. If no timely objections are filed, the matter will be ready for consideration by the
10 District Judge on **August 19, 2016**.

11 This Report and Recommendation is not an appealable order. Thus, a notice of appeal
12 seeking review in the Court of Appeals for the Ninth Circuit should not be filed until the
13 assigned District Judge acts on this Report and Recommendation.

14 The Clerk of the Court is directed to send copies of this Report and Recommendation to
15 the plaintiff and to the Honorable Thomas S. Zilly.

16 DATED this 2nd day of August, 2016.

17 
18 JAMES P. DONOHUE
19 Chief United States Magistrate Judge